

REMARKS

Claims 1, 3, 4, 6, 7, 9, 13, 15-17 and 20 are pending in the instant application. Claim 1 has been amended to recite the subject matter of canceled claim 2. Claims 2, 5, 8, 10-12, 14, 18, 19 and 21-25 have been canceled.

No new matter has been added by way of the above-amendment.

Prior Art Rejections

The Examiner issues the following rejections against the pending claims:

- 1) Claims 1, 3, 4, 6, 13, 15-17, 19, 20, 23 and 25 are rejected under 37 CFR § 102(b) as being anticipated by Brust et al (US 6,100,019) in view of either Miyahashi (US 5,534,399) or Sugimoto et al (US 6,432,626); and
- 2) Claims 7 and 9 are rejected under 35 USC § 103(a) as being unpatentable over Brust et al. in view of Antoniadis et al. (US 5,250,403).

Applicants respectfully traverse each of the rejections.

Applicants respectfully submit that the invention, as defined in the January 30, 2006 Amendment, constitutes patentable subject matter. However, in order to advance prosecution, Applicants have amended claim 1 to recite the subject matter of claim 2, a claim not currently under rejection, thereby rendering both Rejection 1) and Rejection 2) moot.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Reg. No. 43,757 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 09/955,438
Amendment dated October 23, 2006
Reply to Office Action of April 21, 2006

Docket No.: 0042-0455P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: October 23, 2006

Respectfully submitted,

By  #43575

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